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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,277	07/06/2001	Paul Hartke	06356.P006	6985

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EXAMINER

ZAND, KAMBIZ

ART UNIT

PAPER NUMBER

2132

DATE MAILED: 01/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/900,277	Applicant(s) HARTKE ET AL.	
	Examiner Kambiz Zand	Art Unit 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. **Claims 1-57** have been examined.

Drawings

2. **Figures 1-5b** should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. **Claims 6-9, 14-16, 22-24 and 29-31** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. **Claims 6-9, 14-16, 22-24 and 29-31** recites the limitation "the chip interconnection network" in the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 1-5, 10, 13, 17-21, 25, 26 and 28** are rejected under 35 U.S.C. 102(b) as being anticipated by Fox et al. (6,421,781 B1).

As per claims 1-5, 10, 13, 17-21, 25, 26 and 28 Fox et al (6,421,781 B1) disclose a method and an apparatus having at least one host and host memory and a system coupling said host and said memory to a network interface device (see fig.1 and 2; col.3, lines 28-65) comprising: receiving data from said system interface; determining if SSL processing required, performing SSL process if required, performing TCP/IP processing on said SSL packet, creating an IP packet and transmitting said IP packet to a network interface; performing TCP/IP by a processor while the payload remains in the interface device and informing the host if SSL require on the TCP data where SSL database is software or hardware oriented (see fig.1-5; col.3, lines 27-67; col.4-7 and col.8, lines 1-39).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 6-9, 11, 12, 14-16, 22-24, 27, 29-35 and 37-57** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fox et al (6,421,781 B1) in view of Krause et al (6,070,198 A).

As per claims 9, 24, 33-35, 38, 40, 44, 45, 47, 49 and 53-57 Fox et al (6,421,781 B1) disclose a method and an apparatus having at least one host and host memory and a system coupling said host and said memory to a network interface device (see fig.1 and 2; col.3, lines 28-65) comprising: receiving data from said system interface; determining if SSL processing required, performing SSL process if required, performing TCP/IP processing on said SSL packet, creating an IP packet and transmitting said IP packet to a network interface; performing TCP/IP by a processor while the payload remains in the interface device and informing the host if SSL require on the TCP data where SSL database is software or hardware oriented (see fig.1-5; col.3, lines 27-67; col.4-7 and col.8, lines 1-39) but do not explicitly disclose an accelerator (s) coupled to said interface or network to perform SSL processing. However Krause et al (6,070,198 A)

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disclose an accelerator (s) coupled to said interface or network to perform SSL processing (see fig. 1, in particular blocks 16 and 18; fig.2, 3 and 5 and associated text). It would have been obvious to one of ordinary skilled in the art at the time the invention was made to utilize Krause's accelerator in Fox's TCP/IP processing system in order to provide a method and apparatus for performing a cryptographic function upon data passing through a protocol stack.

As per claims 6, 14, 22, 29, 37 and 46 Fox et al (6,421,781 B1) teach all limitation of the claims as applied above but do not expressly disclose SSL processing does not utilize system memory, the system bus or the chip interconnection network. However Krause et al (6,070,198 A) disclose SSL processing does not utilize system memory, the system bus or the chip interconnection network (see col.2, lines 65-67 and col.3, lines 1-21 where SSL operation involves Direct Access Memory rather than system memory, bus or the chip interconnection network). It would have been obvious to one of ordinary skilled in the art at the time the invention was made to utilize Krause's accelerator in Fox's TCP/IP processing system in order to provide a method and apparatus for performing a cryptographic function upon data passing through a protocol stack.

As per claims 7, 11, 15, 16, 30-32, 41-43 and 50-52 Fox et al (6,421,781 B1) teach all limitation of the claims as applied above but do not expressly disclose transmitting the IP packets by DMA operation (either by SSL processing or non-SSL processing).

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However Krause et al (6,070,198 A) disclose transmitting the IP packets by DMA operation (see col.3, lines 30-35). It would have been obvious to one of ordinary skilled in the art at the time the invention was made to utilize Krause's DMA IP processing method in Fox's TCP/IP processing system in order to provide a method and an apparatus for remotely monitoring and controlling devices over a computer network.

As per claims 8 and 22 Fox et al (6,421,781 B1) disclose SSL is software and hardware based (see col.8, lines 33-56).

As per claims 12, 27, 48 Fox et al (6,421,781 B1) disclose all limitation of the claim but do not disclose explicitly storage location comprises network offload Memory. However Krause et al (6,070,198 A) disclose storage location comprises network offload Memory (see fig.3, block 132). It would have been obvious to one of ordinary skilled in the art at the time the invention was made to utilize Krause's accelerator in Fox's TCP/IP processing system in order to provide a method and apparatus for performing a cryptographic function upon data passing through a protocol stack.

10. **Claim 36** is rejected under 35 U.S.C. 103(a) as being unpatentable over Fox et al (6,421,781 B1) in view of Krause et al (6,070,198 A) and further in view of Narasimhan et al. (6,44,192 B1).

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As per claims 36 Fox et al (6,421,781 B1) in view of Krause et al (6,070,198 A) teach all limitation of the claim as applied above but do not explicitly disclose using Ethernet interface device. However Narasimhan et al. (6,44,192 B1) disclose inbound network interface comprises an Ethernet interface (see col.6, lines 47-58). It would have been obvious to one of ordinary skilled in the art at the time the invention was made to utilize Ethernet network interface in Fox's TCP/IP processing system in view of Krause's network system in order to have a support at the data link layer of the interface chip.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S.Patent No. US (6,374,402 B1) teach method and apparatus for installation abstraction in a secure content delivery system.

U.S.Patent No. US (6,738,874 B2) teach controller architecture and strategy for small discontiguous accesses to high-density memory devices.

U.S.Patent No. US (6,338,139 B1) teach information reproducing apparatus, authenticating apparatus, and information processing system.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Zand whose telephone number is (571) 272-3811. The examiner can normally reached on Monday-Thursday (8:00-5:00). If attempts

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to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone numbers for the organization where this application or proceeding is assigned as (703) 872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kambiz Zand

12/26/04